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3

1

2

3

2

3

5

6

CONCISE FACTS

**AGAINST THE PASSAGE
OF
AN ACT TO AMEND
THE ACT RESPECTING**

THE SALE OF

RAILWAY PASSENGER TICKETS

**ISSUED BY THE CANADIAN PACIFIC AND
GRAND TRUNK RAILWAYS**

JANUARY, 1907

AC901
P3
no. 3058
Pax

SUMMARY AND INDEX.

PAGE	
1. The present law prevents frauds upon travellers.	3
2. Under present law unused tickets must be redeemed at their full value.	4
3. A discount is not made from full amount of refund as alleged....	4
4. New system of prompt refunds became effective January 1st, 1907....	5
5. Ticket scalping or unauthorized dealing in tickets produces illegal discrimination against provisions of Railway Act.....	5
6. Proposed Act permits frauds to detriment of travelling public.	6
7. Offers facilities for disposal of stolen, forged and counterfeit tickets....	6
8. Many convictions of ticket scalpers.	7
Their business called nefarious and fraudulent by United States Courts and Interstate Commerce Commission.	
9. Tickets are not "merchandise."	8



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1.—OBJECTS OF ANTI-TICKET SCALPING ACT.

The object of the late Sir George Kirkpatrick in introducing the bill passed in 1882 to prohibit ticket scalping in Canada as shown by the debates in Parliament printed in Hansard, was chiefly to prevent frauds on unsuspecting travellers, and instances were given of cases where such frauds had worked great hardship to poor and ignorant persons who had been imposed upon.

The records of the Courts in the United States and the recommendations of the Interstate Commerce Commission from year to year, also the report of the hearing before the Committee on Interstate and Foreign Commerce of the House of Representatives in Washington in 1897, show clearly the frauds resulting from this nefarious business which Canada has been free from owing to the Act of 1882 and which it is now proposed shall be permitted by law.

ADVANTAGES TO CANADA OF PRESENT LAW.

Not only has Canada been free from all the disadvantages referred to in this pamphlet, but the absence of ticket scalping has been and is a distinct advantage in securing favorable rates from United States railways to important conventions held in Canada—as low rates otherwise could not have been and could not be obtained, and those which would be granted, if ticket scalping were prevalent here, would be higher and surrounded with onerous conditions which would work against the free movement of travel and attendance at these meetings.

All kinds of excursion and holiday rates are made freely in Canada with few restrictive conditions. Whenever such rates are made in those States which do not prohibit scalping they are surrounded with annoying restrictions on account of the ticket scalping offices depleting legitimate railway revenue by their traffic in the Excursion tickets.

2—UNDER PRESENT LAW UNUSED TICKETS MUST BE REDEEMED AT THEIR FULL VALUE.

The present law provides :—

"The Minister of Railways and Canals, with respect to any Government railway, and every railway company subject to the jurisdiction of the Parliament of Canada, or to which 'THE RAILWAY ACT' applies, as the case may be, shall repay to every holder of a ticket over any Government railway line or other Canadian railway line, as the case may be, the cost of his ticket, if unused in whole or in part, less the ordinary or regular fare for the distance for which such ticket has been used."

"The claim for such redemption shall be made within thirty days from the expiration of the time for which the ticket was issued, in accordance with the conditions thereon."

Holders of unused or partially used tickets are placed by the present law on an equality with the purchasers of ordinary and regular fare tickets for the distance for which such tickets have been used. *The railway companies obey the law in every instance.*

3—A DISCOUNT IS NOT MADE FROM FULL AMOUNT OF REFUND.

The present law provides that :

"The Minister of Railways and Canals, with respect to any Government railway, and every railway company subject to the jurisdiction of the Parliament of Canada, or to which the 'THE RAILWAY ACT' applies, as the case may be, shall repay to every holder of a ticket over any Government railway line or other Canadian Railway line, as the case may be, the cost of his ticket, if unused in whole or in part, less the ordinary and regular fare for the distance for which such ticket has been used."

The law is obeyed literally by the railway companies, and a discount is not made from the full amount of the refund.

EXAMPLE 1.—A passenger buying a ticket Toronto to Montreal and return at \$16.70 and using the going portion only, is refunded \$6.70, and therefore obtains his one-way passage at \$10.00, the same as any other person who purchases a one-way first class ticket.

EXAMPLE 2.—If there was an excursion at \$7.00 Toronto to Montreal and return and the passenger used the going portion only, there would be no refund accruing, as he paid less than the one-way fare—if this were not so a discrimination would be made against the passenger in Example 1.

4.—NEW SYSTEM OF PROMPT REFUNDS.

The Canadian railways placed in effect January 1st, 1907, a new system by which refunds on unused or partially used tickets are made promptly.

In common with many industries where enlarged facilities become necessary to keep up with the enlarged business of the country, it was felt that the former system had been outgrown and that other means were necessary to expedite ticket refunds.

Hereafter, the holder of an entirely unused ticket can present it to the office at which sold and obtain a refund immediately. If the ticket is partially used and shows clearly how far it has been travelled upon, a refund will be made promptly upon its transmission to the general office through any ticket agent of the railway.

All tickets on which refunds are desired should be presented in accordance with the Act as follows, viz:

"The claim for such redemption shall be made within thirty days from the expiration of the time for which the ticket was issued in accordance with the conditions thereon."

5.—TICKET SCALPING PRODUCES ILLEGAL DISCRIMINATION.

The Railway Act of Canada provides that railroads shall sell tickets at the same rates to every person under like circumstances.

Ticket scalpers in the United States do not conduct their business in this manner, neither did they in Canada prior to . . . from the very nature of the case they could not do it . . . they must get their . . . for considerably less than their real value, otherwise the public would . . . of them. If a man desires to pay full tariff he buys from the railway agent and knows that it is absolutely safe.

The result of the passage of this bill would be that the scalper would pay as little for tickets as he could purchase them for, he would sell for as much as he could get, his rates would vary from time to time and . . . between individuals on the same day, at no time would he sell at the . . . rates filed by the railways with the Railway Commission and his operation . . . cause discrimination between persons.

6—AN ACT PERMITTING FRAUDS ON THE POOR, THE IGNORANT AND THE UNSUSPECTING.

It is a significant fact that U. S. State Laws on this subject are frequently entitled,—“An Act to Prevent Frauds upon Travellers.”

Every passenger agent in the United States is aware of many cases of fraud caused by ticket scalpers where the sufferers were generally either poor or ignorant or both.

The records of U. S. Courts for many years are full of cases where the nefarious practices of ticket scalping are set forth.

The Act proposed by the promoter of the bill will give full opportunities for practising these frauds in Canada, which has been free from them since 1882.

Laws prohibiting traffic in railway passenger tickets except under license by the transportation lines have been adopted by the following States, viz :— Georgia, Florida, Indiana, Illinois, Maine, Minnesota, Montana, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Texas, Tennessee and Washington.

As still further showing the trend of affairs in the United States the Chicago newspapers made the following announcement on December 12th, 1906, viz :

“Adolph Ottinger, chief among railroad ticket scalpers, is going out of business. It is his prediction that ere long ticket scalping in the United States will be a thing of the past. Ottinger’s surrender is held to be the most potent sign that the end of scalping is near.”

7—TICKET SCALPING OFFERS FACILITIES FOR THE DISPOSAL OF STOLEN, FORGED AND COUNTERFEIT TICKETS.

In the hearing before the Committee on Interstate Commerce of the United States Senate and House of Representatives, 1897, it was stated and not controverted that :

“The ticket scalping offices of this country (U.S.) are generally recognized by the Courts, the Interstate Commerce Commission, the various State Railway Commissions, and other unprejudiced persons who have taken the time to investigate the subject, as ‘fences’ where stolen, forged and counterfeit tickets and other fraudulent evidences of a right to travel find a ready market.”

“It is the opinion of every man who has investigated the question, that were it not for ticket scalping offices, there would be no incentive to steal, forge, or counterfeit railroad tickets, as there would be no place for their disposal.”

Under the present law, Canada has been free from crimes of this kind. The proposed bill would let down the bars and the experience of the United States in this connection would be repeated in this country.

The Railway Ticket Protective Bureau in its report of operations states :

“Whenever the Bureau has raided the offices of the scalpers (under legal warrant), it has never failed to find all of the tools, implements and materials of the forger and counterfeit, such as false dies, stamps, rubber type, stamps for redating, acids for removing writing and printing, material for restoring surface and color to plugged tickets, etc.”

Is the result sought to be attained by the promoter of the bill a sufficient justification for this probable flood of iniquity ?

8—MANY CONVICTIONS OF TICKET SCALPERS.

The proceedings of the United States law courts are full of cases where ticket scalpers have been convicted of various offences in connection with their business, which has been called nefarious and fraudulent by the Interstate Commerce Commission as well as by the courts. A few of the recent convictions are given herewith :

Jones, A. A.,	Jamestown, N. Y.,	Forgery, third degree.	Convicted, sentence suspended
Callahan, Chas.,	Buffalo, N. Y.	Forgery.	State's prison, 1 to 3 years.
Welles, G. A.,	Kansas City, Mo.	Forgery, Receiving and selling stolen articles.	1 year jail.
Weinfeld, A., } Stephens, H., }	Atlanta, Ga.,	Receiving stolen goods	Plead guilty and fined.
McClurkan, S.,	Atlanta, Ga.	Larceny.	\$200.00 fine.
Edwards, W.,	Atlanta, Ga.	Larceny.	\$100.00 fine
Lambert, F. O.,	Boston, Mass.	Obtaining money under false pretences.	1 to 2 years imprisonment.
Healien, Moses,	Nashville, Tenn.	Passing forged paper.	15 days jail, \$500.00 fine.
Paige, E. C.,	Boston, Mass.	Violation of injunctions.	30 days' jail.
Karafiat, B. J., } Lyons, David, }	Chicago, Ill.,	Violations of injunctions.	\$100.00 fine.

8—TICKETS ARE NO

The promoter of the Bill proposes
merchandise is sold.

The Courts have repeatedly held that
evidence of a contract between the individual
sold by the purchasers to a jobber at a whi
to the users at a higher rate. They are
when purchased under the same circumsta
small quantities. They are not intended to
Railway Company, as a public agency, make
charges and sell its transportation only a
offence to do otherwise.

"The merchandise theory is an
objects of railroad tickets. A railroad
in law only a receipt or voucher for
and an evidence of contract on the part
It imports that the lawful price of c
bearer is entitled to the amount and kind
instrument."

4 Interstate Commerce Reports, pa

See also State of Minnesota vs. Corbett
Cases, page 38.

Rahilly vs. St. Paul and Duluth Railw

ARE NOT MERCHANDISE.

poses that tickets may be sold as freely as

eld that tickets are not merchandise, but are
e individual and the carrier. They are not
at a wholesale rate to be disposed of by him
ey are sold to all persons at the same rate
rcumstances, and whether bought in large or
ended to be bought or sold at a profit. The
nacy, must establish and publish its fares and
only at its established rates, and it is an

is an entire perversion of the nature and
railroad ticket instead of being merchandise is
ther for the payment of the cost of a journey
the part of the railroad to carry the passenger.
ice of carriage has been paid and that the
and kind of transportation indicated by the

orts, page 392.

Corbett, 58 English and American Railway

h Railway, 66 Minnesota Reports, page 153.

